

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MARY ANN ARREDONDO

Plaintiff,

vs.

**STATE AUTOMOBILE MUTUAL
INSURANCE COMPANY**

AND ERIN CROSBY

Defendants.

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Civil Action Number

Jury

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant, State Automobile Mutual Insurance Company ("State Auto"), files this Notice of Removal pursuant to 28 U.S.C. §1446(a), and respectfully shows as follows:

I.

INTRODUCTION

1. Plaintiff is Mary Ann Arredondo ("Plaintiff"); Defendants are State Automobile Mutual Insurance Company and Erin Crosby ("Crosby") (hereinafter collectively referred to as "Defendants"). There are no other parties. *See* Plaintiff's Original Petition, attached as Exhibit "A - 1".

2. On May 18, 2016, Plaintiff filed Cause No. 16-05-55978-CV, *Mary Ann Arredondo vs. State Automobile Mutual Insurance Company and Erin Crosby* in the County Court of Law of Jim Wells County, Texas ("State Court Action"). *See* Exhibit "A - 1". Plaintiff's suit alleges breach of contract, violations of the Texas Insurance Code, and breach of the duty of good faith and fair dealing, relating to damage allegedly suffered at Plaintiff's home located at 810 N.

Bernice Street, Premont, Texas 78375. *See* Exhibit “A - 1”. Plaintiff demanded a trial by jury in her Original Petition. *See* Exhibit “A - 1.”

3. A citation was issued and State Automobile Mutual Insurance Company was served on June 20, 2016. *See* Exhibit “A – 6” and Affidavit of Sherri King attached as Exhibit “B”. Erin Crosby has not yet been served with this lawsuit. *See* Exhibit “A-7” and Affidavit of Erin Crosby attached as Exhibit “C.” State Auto files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007). State Auto filed its Answer in the state court action, but files herewith its First Amended Answer. *See* Exhibit “A-8.” State Auto demands a trial by jury in this Court, and files its First Amended Answer contemporaneously herewith. Crosby will file her Answer within the appropriate timeframe, following service of the Original Petition.

4. Plaintiff has not filed any amended pleadings and no additional parties have been joined.

II.

REMOVAL BASED ON DIVERSITY JURISDICTION

5. Pursuant to 28 U.S.C. §1332(a), State Auto removes this case as it involves a controversy between parties of diverse citizenship and an amount in controversy that exceeds \$75,000.

6. Plaintiff is a citizen of Texas. *See* Exhibit “A - 1”. State Automobile Mutual Insurance Company is a foreign corporation organized under the laws of the state of Ohio with its principal place of business located at 518 E. Broad Street, Columbus, Ohio 43215. *See* Exhibit “B.” Crosby is not a citizen of Texas, as Plaintiff alleges in her Original Petition; Crosby is a citizen and resident of Tennessee. *See* Exhibit “C.” State Auto Property and Casualty Insurance Company, the entity that wrote Plaintiff’s insurance policy, is a foreign corporation organized

under the laws of the state of Iowa with its principal place of business located at 518 E. Broad Street, Columbus, Ohio 43215. *See* Exhibit “B.”

7. Additionally, the amount in controversy exceeds \$75,000, excluding interest and costs. 28 U.S.C. §1332(a). Plaintiff’s Original Petition seeks monetary relief “over \$100,000 but not more than \$200,000.” *See* Exhibit “A – 1.”

8. Crosby consents to removal, even though her consent is not technically required as she has not yet been served. *See* Exhibit “C.” No other consent is needed for the removal of this case to federal court.

9. An Index of Exhibits is attached as Exhibit “A”. Copies of all pleadings, process, orders, and other filings in the State Court Action are attached to this notice as Exhibits “A - 1” through “A - 8”, as required by 28 U.S.C. §1446(a).

10. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this District and within this Division.

11. State Auto will promptly file a copy of this Notice of Removal with the clerk of the court in the pending State Court Action.

III.
JURY DEMANDED

12. State Auto requests that this matter be heard by a jury in this Court.

IV.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant, State Auto, prays that this case be removed to the United States District Court for the Southern District of Texas, Corpus Christi Division, and that further proceedings in the State Court Action be discontinued, and that this Court assume full jurisdiction over such action as provided by law.

Respectfully submitted,

/s/ Sterling Elza
Sterling Elza
Attorney-In-Charge
State Bar No. 24026823
Southern District of Texas Bar No. 1043963
Alicia A. Murphy
State Bar No. 24095005
Southern District of Texas Bar No. 2717568
306 West 7th Street, Suite 200
Fort Worth, Texas 76102-4905
Tel: 817/332-1391
Fax: 817/870-2427
Email: selza@browndean.com
amurphy@browndean.com

**ATTORNEY FOR DEFENDANT,
STATE AUTOMOBILE MUTUAL
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was served upon the Plaintiff by serving his counsel of record, Kevin Baker and Perry Dominguez, Ketterman Rowland & Westlund, 16500 San Pedro, Suite 302, San Antonio, Texas 78232, (210) 490-8372, via fax and certified mail, return receipt requested, in accordance with the Federal Rules of Civil Procedure, on this the 18th day of July, 2016.

/s/ Sterling Elza
Sterling Elza